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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,611	10/17/2003	George C. Schedivy	8002A-80 CIP II	2434
22150	7590	06/16/2006	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			LIANG, REGINA	
			ART UNIT	PAPER NUMBER
			2629	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,611

Applicant(s)

SCHEDIVY, GEORGE C.

Examiner

Regina Liang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/17/06, 2/20/04.</u> | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-45 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-65 of U.S. Patent No. 6,899,365. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 37 of this applicant is broader version of claim 30 of U.S. Patent No. 6,899,365.

The following is an example for comparing claim 37 of this application and claim 30 of U.S. Patent No. 6,899,365.

Claim 37 of this application	Claim 30 of U.S. Patent No. 6,899,365
A video system comprising:	An entertainment system comprising:

a display mounted in a vehicle seat headrest; and	a display operatively coupled to the media source , wherein the display is one of handheld, mounted to the housing and mounted at a location in the vehicle away from the housing.
a media player mounted in the vehicle seat headrest, wherein the media player is connected to the display.	a media source ; a housing for supporting the media source, wherein the housing is coupled to an inner portion of a seat of a vehicle , and the media source is capable of being selectively connected to and disconnected from the housing; and a door pivotally attached to the housing with a hinge;

As can be seen above, claim 37 of this applicant is broader version of claim 30 of U.S. Patent No. 6,899,365.

3. Claims 1-45 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of copending Application No. 10/438,724. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are obvious over each other.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The following is an example for comparing claim 1 of this application and claim 9 of copending Application No. 10/438,724.

Claim 1 of this application	Claim 9 of US. No. 10/438,724
A video system comprising:	A video system comprising:
A base portion mounted in a vehicle seat headrest; and	A base unit coupled to an internal headrest support structure; and
A door pivotally attached to the base portion, therein the door includes a display and a media player mounted to the door.	A door pivotally connected to the base unit by a hinge, the door comprising a display and a media player.

As can be seen above, claim 1 of this application is similar to claim 9 of copending Application No. 10/438,724.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-11, 13-15, 18-28, 30-32, 35-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (US 6,871,356) in view of Mathias et al (WO 00/38951 hereinafter Mathias).

As to claim 1, Figs. 7, 10, 11 of Chang discloses a video system comprising a base portion (housing 418) mounted in a vehicle seat headrest, and a door (screen structure 416) pivotally attached to the base portion, therein the door (screen structure 416) includes a display (446) mounted to the door.

Chang does not disclose the door includes a media player. However, Figs. 4 and 5 of Mathias teaches an integrated visual display/digital media player in the form of an LCD/DVD video display system (30) mounted inside a vehicle, comprising a base portion (34), a door (screen console 38) pivotally attached to the base portion, wherein the door (screen console 38) includes a display (40) and a media player (disc player 32) mounted to the door. Mathias suggests “this view display system 30 could also be mounted to other interior components located within the automobile, including, but not limited to, **seat backs**, center consoles, etc.” (page 11, lines 14-17). Thus, in view of Mathias’s suggestion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the door (screen structure 416) of Chang to have a media player as taught by Mathias so as to provide for easy mounting within a motor vehicle and to provide a compact and less complicated mounting structure.

As to claim 2, Mathias teaches the media player is a slot-type device (81 in Fig. 5).

As to claim 3, Chang teaches the base portion (screen structure 416) is coupled to the internal headrest support structure (see Fig. 7A).

As to claims 4-8, see Fig. 3 and co. 5, line 55 to col. 6, line 25 of Chang for example.

As to claim 9, Fig. 3 of Chang teaches comprising a port for connecting to an external device.

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As to claim 10, Fig. 7 of Chang teaches the display is mounted on a front side of the door; Fig. 4, 5 of Mathias teaches the media player is mounted on a back side of the door.

As to claim 11, Fig. 10 of Chang teaches the door pivots in a range of angles including approximately 0° to 180° with respect to the base portion.

As to claims 13, 14, Chang teaches the door is pivotally attached to the base portion with a hinge (436, 440 in Fig. 8A), and the hinge is positioned at a top portion of the door.

As to claim 15, Chang as modified by Mathias teaches the display and the media player are capable of operating when the door is in a closed position, and a data storage medium (disc) is inserted into the media player when the door is in an open position.

As to claim 18, Mathias teaches the media player includes a DVD player.

As to claim 19, note the discussion of claim 1 above. Fig. 1 of Mathias teaches the media player (32) is mounted in the base portion.

As to claim 20, Mathias teaches the media player is a slot-type device (81 in Fig. 5).

As to claim 21, Chang teaches the base portion (screen structure 416) is coupled to the internal headrest support structure (see Fig. 7A).

As to claims 22-26, see Fig. 3 and co. 5, line 55 to col. 6, line 25 of Chang for example.

As to claim 27, Fig. 3 of Chang teaches comprising a port for connecting to an external device.

As to claim 28, Fig. 7 of Chang teaches the display is mounted on a front side of the door.

As to claims 30, 31, Chang teaches the door is pivotally attached to the base portion with a hinge (436, 440 in Fig. 8A), and the hinge is positioned at a top portion of the door.

As to claim 32, Chang as modified by Mathias teaches the display and the media player are capable of operating when the door is in a closed position, and a data storage medium (disc) is inserted into the media player when the door is in an open position.

As to claim 35, Mathias teaches the media player includes a DVD player.

As to claim 36, Chang teaches the base portion mounted in the headrest; Mathias teaches the base portion includes a media player, and Fig. 3 of Mathias teaches the base portion have a cavity for selectively housing the media player. Thus, Chang as modified by Mathias teaches the video system as claimed.

As to claims 37, 38, note the discussion of claim 1 above. Mathias teaches the door includes the display and the media player mounted to the door.

As to claim 39, note the discussion of claim 1 above. Fig. 1 of Mathias teaches the media player (32) is mounted in the base portion.

As to claim 40, Mathias teaches the media player having a slot in the media player for receiving a data media to be inserted in the slot (81 in Fig. 5).

As to claim 41, Mathias teaches the media player is a slot-type device (81 in Fig. 5).

As to claim 42, Fig. 4 of Chang teaches a wireless transmitter capable of transmitting at least one of video and audio signal to wireless headphones.

As to claim 43, Mathias teaches the media player includes a DVD player.

As to claim 44, Chang teaches the base portion mounted in the headrest; Mathias teaches the base portion includes a media player, and Fig. 3 of Mathias teaches the base portion have a cavity for selectively housing the media player. Thus, Chang as modified by Mathias teaches the video system as claimed.

As to claim 45, Chang teaches the display is pivotally attached to the base portion.

6. Claims 12, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang and Mathias as applied to claims 1, 19 above, and further in view of Baret (FR 2817812).

As to claims 12, 29, Chang as modified by Mathias does not disclose a cover for covering the display. However, Fig. 1 of Baret teaches a video display system in a vehicle comprising a cover (51) for covering the display (4). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the video system of Chang as modified by Mathias to have a cover for covering the display as taught by Baret so as to protect the display screen when the display is not used.

7. Claims 16, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang and Mathias as applied to claims 1, 19 above, and further in view of Vottero-Fin et al (US 4,982,996 hereinafter Vottero-Fin).

Chang as modified by Mathias does not disclose the vehicle seat headrest includes at least one vent. However, Vottero-Fin teaches a vehicle seat armrest having a display device (TV set 21) and at least one vent (grill 26) for cooling the display device (col. 2, line 14-15). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify to modify the headrest of Chang as modified by Mathias to include at least one vent for dissipating heat generated by the video system.

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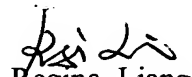
8. Claims 17, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang and Mathias as applied to claims 1, 19 above, and further in view of May et al (US 6,102,476 hereinafter May).

Chang as modified by Mathias does not disclose the vehicle seat headrest includes a fan. However, May teaches an armrest of a chair having a fan for dissipating heat generated by an electronic device (PC) located within the chair. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify to modify Chang as modified by Mathias to include a fan in the headrest for dissipating heat generated by the video system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Regina Liang
Primary Examiner
Art Unit 2674

6/9/06